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REMARKS

The present response is to the Office Action mailed in the above-referenced case on June 12, 2007. Claims 17-22 and 31-36 are pending in the application. Claims 17 and 21 are rejected under 35 U.S.C. 103 (a) as being unpatented over Mullaney et al. (US 6,377,575) hereinafter Mullaney. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mullaney in view of Bock et al. (5,948,119) hereinafter Bock. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mullaney in view of Gindi et al. (US 4,103,336) hereinafter Gindi. Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullaney in view of Danielsons (US 6,400,415) hereinafter Danielsons. Claims 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullaney in view of Danielsons and further in view of Ducaroir et al. (US 6,167,077) hereinafter Ducaroir.

In response applicant points out that item 3 of the present Office Action provides a "Response to Arguments" section which states; "Applicant's arguments with respect to claims 17-22 & 31-36 have been considered but are moot in view of the new ground(s) of rejection." The Examiner has reproduced the exact same rejection for independent claims 17 and 31 as the previous Office Action and has neglected to respond to applicant's arguments. Applicant points out that the claims were not amended in the last Response filed, the claims as herein argued are also not amended. Applicant believes the Examiner does not provide due diligence in the examination process when producing identical rejections in consecutive Office Actions, while ignoring applicant's arguments. Applicant respectfully requests the Examiner please consider applicant's arguments regarding independent claims 17 and 31, as herein presented, and please respond to said arguments in the next Office Action.

Regarding the 103(a) rejection of applicant's base claim 17, the Examiner states;

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"{Interpretation: The reference discloses a synchronization process between two devices wherein the transceiver is interpreted as a first device and the switch is interpreted as a second device. Furthermore, the reset word transmitted from the transceiver is interpreted as a request for synchronization so as to begin the process of (re-) synchronization or re alignment; receiving a request for synchronization at a first device from a second device, the first device then becoming synchronized (Column 12, lines 60-62 & Column 13, lines 15-30) {Interpretation: The reference discloses the transceiver receives the alignment word and using the alignment words synchronizes itself; transmitting data from a first device to a second device, the first device being synchronized, the first device having received from the second device a synchronization signal indicating that the second device is synchronized (Column 13, lines 31-37 & Column 1, lines 55-56){Interpretation: The reference discloses the switch transmits an IDLE word to the transceiver once the switch is synchronized. The reference discloses once the devices are (re-) synchronized the process returns. The reference discloses receiving and transmitting data between the switch and transceiver}. However, the reference does not explicitly disclose transmitting data from the first device to the second device after re-synchronization. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention that once synchronization is accomplished the devices return to communicating data between each other."

Applicant points out that the transceiver (1st device) and switch (2nd device) of Mullaney cannot adequately read on the word devices as taught and claimed in applicant's invention, wherein; "the requesting synchronization from a first device to a second device when the first device does not have synchronization;

receiving a request for synchronization at a first device from a second device, the first device then becoming synchronized."

Mullaney teaches, as clearly depicted in Fig. 6, transceiver requests alignment from the switch as "Reset Words". The switch sends align words to the transceiver as a

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result of receiving the align request. The switch then detects that the transceiver is aligned and goes IDLE, sending an "IDLE word to the transceiver. Applicant argues that Mullaney, as in all of the other art presented by the Examiner fails to teach that both devices are capable of requesting and achieving sync from the other device via signals and data communication.

Applicant argues that the switch in Mullaney does not ever request sync from the transceiver, as claimed, the switch is the sync controlling device for all of the transceivers in the art of Mullaney by sending alignment words to the transceiver until the transceiver adjusts to sync (col. 7, lines 49-62; col. 12, lines 33-50). Applicant argues that the switch of Mullaney does not request sync from a transceiver as the transceivers are always synced to the word alignment timing as dictated and required by the switch. Mullaney teaches one primary word clock (WCLK) provides timing globally to all switch ports (col. 6, lines 15-26, 54-59).

As illustrated in FIG. 6a of Mullaney, word timing synchronization is established between a switch port (second device) and its associated transceiver port (first device) by an adaptive feed-back process. In the adaptive feed-back process a predefined alignment word transmitted by the switch are used by the transceivers to establish a transmitter receive word clock. The transceiver then transmits alignment words to the switch, with the switch then comparing the alignment word to an expected alignment word. The switch continues to issue alignment words in the event that the alignment word does not match with the transceiver shifting its transmitted alignment word in bit-by-bit fashion until the transceiver is word synchronized to the switch.

Again, applicant argues that the switch (second device) in Mullaney does not ever request sync from the transceiver, as claimed. The transceiver (first device) sends alignment words to the switch so the switch may compare them to the WLCK timing to check if sync is achieved by the transmitter.

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Applicant believes claim 17 is easily patentable over the art of Mullaney as argued above. Claims 18-22 are patentable on their own merits, or at least as depended from a patentable claim.

Regarding claim 31, the Examiner admits that Mullaney fails to teach; " becoming unsynchronized at the first device in response to serially receiving a threshold number of bad control words from the serial lines connected to the second device, except for a single condition that all bad control words received in the threshold number are separated by a synchronized data packet. "The Examiner relies upon the art of Danielsons to teach the above limitation.

Applicant argues a clear difference between the art of Danielsons' teaching and the limitations as recited in claim 31 is that in Danielsons there are no bad control words. Danielsons teaches television broadcast streams where a confidence counter constantly looks for words containing a sync byte (col. 7, lines 27-50) consecutive failures of sync bytes where expected in the stream indicate an out of sync state.

Applicant argues that Danielsons teaches detecting incremental sync words indicating the data stream is in sync. Applicant claims that the bad control words indicate being unsynchronized, except where the bad control words are separated by a synchronized data packet. The teachings of Danielsons cannot read on applicant's claim 31 because Danielsons fail to teach bad control words. Danielsons merely teaches maintaining sync by detecting incremental sync bytes in the normal data stream.

Applicant believes claim 31 is patentable as argued above. Dependent claims 32-36 are patentable on their own merits, or at least as depended upon a patentable claim.

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Applicant points out that this is the fourth action where the Examiner asserts art which continually fails in a consistent manner. Obviously, there is no prior art available as evidenced by the Examiner's continuous attempts. It is therefore respectfully requested that this application be reconsidered and that this case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this amendment, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully submitted
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